

# **Exhibit "A"**

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RAIED J. ALFOUADI

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

DAVID DEMAREST and GREEN	)	CASE NO. 22-CV-00064-JAO-KJM
MOUNTAIN MYCOSYSTEMS	)	(In Admiralty)
LLC,	)	
	)	DEFENDANT RAIED J. ALFOUADI'S
Plaintiffs,	)	NOTICE OF SUBMISSION OF HIS
	)	COUNTERDESIGNATED
vs.	)	TRANSCRIPTS OF CORY
	)	FERNANDEZ; EXHIBIT "A";
RAIED J. ALFOUADI; DOE	)	CERTIFICATE OF SERVICE
DEFENDANTS 1-20, DOE	)	
CORPORATIONS, 1-20, DOE	)	
GOVERNMENT AGENCIES 1-20,	)	Trial Judge: Honorable Jill A. Otake
DOE PARTNERSHIPS 1-20,	)	
Defendants.	)	Trial Date: October 20, 2025
	)	
	)	
	)	

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**Exhibit "A"**

**DEFENDANT RAIED J. ALFOUADI’S NOTICE OF SUBMISSION OF HIS  
COUNTERDESIGNATED TRANSCRIPTS OF CORY FERNANDEZ**

Defendant RAIED J. ALFOUADI (“Defendant”), by and through his undersigned counsel, Myhre & Storm, and in accordance with the Court’s Order dated September 11, 2025 [ECF No. 249], hereby submits his highlighted counter designations of the transcript of the deposition of Cory Fernandez.

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18	3-6, only if testimony set forth on p.17 lines 13-25, p.18 lines 1-2 are admitted
20	7-9
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DATED: Honolulu, Hawaii, September 12, 2025.

/s/ James V. Myhre  
JAMES V. MYHRE  
BRENT K. WILSON  
Attorneys for Defendant  
RAIED J. ALFOUADI

# **Exhibit "A"**

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAII

3 DAVID DEMAREST and GREEN ) Civil No.  
4 MOUNTAIN MYCOSYSTEMS LLC, ) 22-CV-00064 JAO KJM

5 Plaintiffs, )

6 v. )

7 RAIED J. ALFOUADI; UNNAMED )  
8 SAILING VESSEL in rem, Hull )  
9 No. HA 6874 H; DOE )  
10 DEFENDANTS 1-20, DOE )  
11 CORPORATIONS 1-20, DOE )  
12 GOVERNMENT AGENCIES 1-20, )  
13 DOE PARTNERSHIPS 1-20, )

14 Defendants. )  
15 ----- )

16 ZOOM DEPOSITION OF

17 CORY FERNANDEZ

18 Taken on behalf of the Plaintiffs via Zoom,  
19 commencing at 1:00 p.m. on Wednesday, March 20, 2024,  
20 pursuant to Notice.  
21

22 Reported by:

23 KATE McALPINE, RPR, CSR NO. 537  
24 Certified Shorthand Reporter  
25

RALPH ROSENBERG COURT REPORTERS, INC.

Honolulu, HI (808) 524-2090

**Exhibit "A"**

1 CORY FERNANDEZ,  
2 the witness hereinbefore named, being first duly  
3 cautioned and sworn to testify the truth, the whole  
4 truth, and nothing but the truth, testified under oath  
5 as follows:

6 DIRECT EXAMINATION

7 BY MR. WASHKOWITZ:

8 Q. Good afternoon, Mr. Fernandez. My name is  
9 Jared Washkowitz. I'm the attorney for a plaintiff in  
10 a lawsuit that's pending in federal court.

11 Let's start by having you state your full name  
12 for the record.

13 A. My name is Corey Alan Fernandez.

14 Q. And are you currently an officer with DOCARE  
15 branch of DLNR?

16 A. Yes, I am, with the Maui branch.

17 Q. Okay. And you reside in Maui as well?

18 A. Yes, I do.

19 Q. And were you with the DOCARE Maui branch back  
20 in 2022 as well?

21 A. Yes.

22 Q. And -- and how long have you worked in that  
23 position?

24 A. I've been with DOCARE for about four years and  
25 some change.

1           If I'm asking you to tell me how long is the  
2 desk in my office, that would be a pure guess because  
3 you've never been to my office or you -- you don't  
4 know.

5           So, basically, estimating is -- is, you know,  
6 based on past information that you have, or as a  
7 guess, you don't have any basis, really. Do you  
8 understand that?

9           A. I do.

10          Q. Okay. You will have the chance, if you want  
11 to review your deposition transcript when the  
12 deposition is completed and transcribed. Normally  
13 we'll -- if -- if you make substantive changes to the  
14 deposition transcript we can comment on that at trial.  
15 For example, if it's like a traffic case and you  
16 testified at the deposition that the traffic light was  
17 red, and then when you reviewed your deposition you  
18 changed it and said it was green, that's a substantive  
19 change and we can comment at trial and ask why you  
20 changed your answer in a substantive way.

21          So the point is, try to give your best and  
22 most accurate testimony today at the deposition. Do  
23 you understand that?

24          A. Yes, sir.

25          Q. Do you -- do you recall being on the scene of



1 a salvage or a boat removal operation back at Mala

2 Wharf in January 2022?

3 A. I do.

4 Q. Okay. And that's what we're here to talk  
5 about for the most part today. Is there anything that  
6 would prevent you from testifying about that today,  
7 any reason why you can't give your best testimony as  
8 to that incident?

9 A. No.

10 Q. Other than the fact --

11 A. Other than the short notice.

12 Q. Right.

13 A. Yeah, other than the short notice and --

14 (audio distortion.)

15 Q. Right. And thank you for making the time to  
16 accommodate us. Appreciate that. Have you -- I know  
17 it's pretty short, but have you had a chance to review  
18 any of your notes or documents related to that  
19 incident back in January 2022 prior to today?

20 A. I was just able to review my report and all  
21 the attachments that were on the report.

22 Q. Okay. And do you-- do you have a copy of that  
23 report that you're able to --

24 A. I -- I -- I do.

25 Q. Okay. And when -- when was that report

1 know.

2 Q. Do you recall how many -- well, I asked you  
3 earlier if -- if you recall the general incident back  
4 in January of 2022 involving a vessel that was washed  
5 up by the Mala Wharf, right? You remember that?

6 A. Yes, it was a grounded vessel.

7 Q. Do you -- do you remember how many -- on how  
8 many separate occasions you attended the scene of  
9 that, the vessel aground?

10 A. That specific scene, how many times I went  
11 there?

12 Q. Yeah. Like, was it just -- you just went one  
13 day, or did you go back multiple days? Do you  
14 remember?

15 A. I don't.

16 Q. You don't recall?

17 A. I don't -- I don't know.

18 Q. But you -- you definitely were there at least  
19 one day, correct?

20 A. Correct.

21 Q. Do you remember what caused you or how you  
22 became notified of the situation in the first place?

23 A. Yes. I was assigned the case.

24 Q. Who assigned you the case?

25 A. My lieutenant.

1 1925 hours.

2 Q. What was the date? Does it have a date on  
3 your report?

4 A. The date is -- yes. 1/2/2022.

5 Q. And do you recall or -- either recall  
6 independently or from referencing your report, what  
7 happened when you got on the scene on January 2nd,  
8 that first day?

9 A. So I arrived on scene, I made checks of the  
10 area, observed the vessel grounded at the scene, I  
11 displayed the vessel. I observed the vessel  
12 displaying the registration number and current  
13 registration decals. I observed a big hole in the  
14 hull of the vessel and debris surrounding the vessel  
15 and that's --

16 MS. SWENSON: Sorry, Officer.

17 I'm going to object here. I don't want  
18 Officer Fernandez just reading from his report. In  
19 his -- you know, you will have his report soon and it  
20 speaks for itself. I'd like his deposition to be from  
21 his personal memory.

22 MR. MYHRE: But if his report refreshes  
23 his memory, I mean he can talk about the --

24 MS. SWENSON: Yeah, he can look at it but  
25 he's reading from it right now.

1 the vessel's current condition at the time of the  
2 grounding, it was a complete loss of the vessel.

3 Q. Was Mr. Alfouadi, Raied, was he present when  
4 you had that conversation with Mr. Demarest about him  
5 being the salver -- salvager?

6 A. I don't remember.

7 Q. On that first night you were -- actually, let  
8 me just ask you this: Looking at your report to  
9 refresh your recollection, can you tell us if you were  
10 on the scene of that operation at any other date other  
11 than January 2nd?

12 A. Yes. Per my report, it shows two other dates.

13 Q. What dates were those?

14 A. January 5th of 2022 and January 1st  
15 of -- January 7th of 2022.

16 Q. Okay. So go back to January 2, 2022, that's  
17 the first day that you came on the scene. Did -- when  
18 Mr. Demarest explained that he was the salvager,  
19 did -- did you ask any more detail about it or any  
20 questions about what he planned to do?

21 A. I don't remember.

22 Q. Okay. Would -- would looking at your report  
23 refresh your recollection as to that?

24 A. No.

25 Q. Do you recall any specific conversations with

1 A. I don't -- go ahead.

2 THE WITNESS: Danica, am I good to  
3 answer?

4 MS. SWENSON: Yes.

5 A. Okay. I don't remember.

6 BY MR. WASHKOWITZ:

7 Q. How long did you stay on the scene on  
8 January 2nd?

9 A. I don't remember.

10 Q. Do you have any recollection or does your  
11 report reflect that at any time on January 2nd  
12 Mr. Alfouadi objected or opposed Mr. Demarest's  
13 statement that he was the salvager?

14 MR. MYHRE: I'm going to object the  
15 question that it assumes facts not in evidence that  
16 Mr. Alfouadi ever even heard him say that.

17 BY MR. WASHKOWITZ:

18 Q. You can answer the question.

19 A. Can you repeat the question?

20 Q. Do you have any recollection of Mr. Alfouadi  
21 on January 2nd opposing Mr. Demarest's statement that  
22 he was the salvager?

23 MR. MYHRE: I'm going to again object to  
24 the question assuming facts not in evidence that  
25 Mr. Alfouadi had ever heard Mr. Demarest make such a

1 the scene, did you take any notes on that day?

2 A. Yes.

3 Q. On January 2nd when you attended the scene,  
4 did you take any photographs that day, if you  
5 remember?

6 A. Well, I'm looking at my photo report and I  
7 have some pictures of the vessel at night.

8 Q. Does that help you identify if you took those  
9 pictures either on January 2nd, January 5th, or  
10 January 7th?

11 A. If I answer, I'll be guessing, so I don't  
12 remember.

13 Q. Okay. And then, what -- what times -- do your  
14 notes say what times you were at the vessel site on  
15 January 5th and January 7th?

16 A. I don't remember. I don't have my -- that  
17 notes in front of me. I believe there was -- yeah, I  
18 don't have that notes in front of me.

19 Q. Does your report indicate what times you were  
20 with the vessel on January 5th or January 7th?

21 A. On January 5th and January 7th?

22 Q. Yeah.

23 A. Okay. So on January 5th -- on January 5th at  
24 0700 hours and January 7th at 0830 hours, and that's  
25 approximate for both times.

1 Q. Understood. Do the notes or reports say when  
2 you left or just when you got there?

3 A. When I got there.

4 Q. Do you recall how long you were -- you stayed  
5 onsite each time? Was it all day or just --

6 A. I don't remember.

7 Q. Do you have any estimate of how long you would  
8 have been onsite on January 5th or January 7th? Was  
9 it like half a day or ten minutes or a couple hours?

10 MS. SWENSON: Objection. Asked and  
11 answered.

12 BY MR. WASHKOWITZ:

13 Q. Yeah, I -- I'm not clear on your answer yet.  
14 You can estimate. I know -- I'm not going to hold you  
15 to the exact. I'm just trying to figure out if, on  
16 January 5th, were you there. You arrived at  
17 approximately 0700. Were you there all day or were  
18 you just there for like ten minutes or --

19 A. I was not there all day. I believe less than  
20 an hour. If I'm estimating I would say even less than  
21 30 minutes. I was just there to check on the vessel,  
22 salvaging, see how it's going, and then I left.

23 THE STENOGRAPHER: Part of that answer  
24 cut out. I'm sorry, can I have the -- the witness  
25 repeat his answer, please.

1           A.     So I said less than an hour. And then I said  
2     even less than 30 minutes. My task was to go there,  
3     check on the vessel, the salvaging, and leave.

4     MR. WASHKOWITZ:

5           Q.     And then same question for January 7th. You  
6     say approximately you got there 0830. 0830. Do you  
7     recall if you were there the same, like an hour, half  
8     an hour, or was it longer?

9           A.     About the same.

10          Q.     Okay. And then other than January 2nd,  
11     January 5th, and January 7th, those were the only  
12     three times that you were actually there on the scene  
13     with the vessel, correct?

14          A.     Per my report, yes.

15          Q.     And then on -- on January 2nd -- that first  
16     day you arrived and you -- you spoke with Mr. Alfouadi  
17     and Mr. Demarest, did -- did you do anything else  
18     other than observe the situation and -- and talk to  
19     Mr. Demarest and Mr. Alfouadi that night?

20                   MS. SWENSON: Object. Vagueness.

21                   You can still answer if you can, Cory.

22          A.     Okay. So it says that I contacted DOBOR. No  
23     one answered so I left a message.

24     BY MR. WASHKOWITZ:

25          Q.     And is that --



1 A. Yes.

2 Q. And then it says manager director, do you know  
3 what you meant by that?

4 A. Well, speaking from my notes it looks like  
5 David and his phone number, there's an arrow, and in  
6 my report it also says that he's salvaging the company  
7 through -- he's salvaging the vessel through his  
8 company Green Mountain Mycosystems, so...

9 Q. Okay. And then down below it says  
10 Raied Alfouadi and below that it says start salvage.  
11 Is that what that says, start salvage?

12 A. Yes.

13 Q. Okay. And then can you -- can you just run  
14 through what these other notes mean on the record?

15 A. So below start salvage? Sorry, Jared, your  
16 talking about below start salvage?

17 Q. Yeah, yeah.

18 A. Okay.

19 Q. Start it off where it says: Took off all  
20 hazmat.

21 A. Okay. So, took all hazmat, that's just pretty  
22 much asking what kinds of hazmat's on there and they  
23 took it all off. That's there two gel batteries,  
24 they're fully screwed or fully sealed. No gas on  
25 boat. WD-40, five gallon, that's all the hazmat that

1 was on the container -- or that was on the vessel.

2 And: Below happened at 3:30 p.m., anchored in  
3 front of Mala Restaurant. I believe that says, I'm  
4 not too sure.

5 And then: No one onboard, anchor line snapped  
6 or out. Waves/wind a factor. Meaning that, yeah,  
7 waves and wind was a factor in the vessel running  
8 aground.

9 Q. And what -- do -- do you remember when you  
10 responded to the scene on January 2nd what the wind  
11 and waves were like at that time?

12 A. I don't but I couldn't see the waves, it was  
13 dark. The wind I don't remember.

14 Q. Okay. And these notes were -- did you make  
15 these notes while you were on the scene there with the  
16 boat or after the fact?

17 A. I'd be guessing at this point, so I don't  
18 remember.

19 Q. Do you know who took this picture of your  
20 notes?

21 A. I don't remember. I'm sorry, hold on. My  
22 phone battery looks like it's dying.

23 Q. No problem.

24 MS. SWENSON: Do you have a charger near  
25 you, Cory?

1 questions for --

2 MR. MYHRE: I do.

3 MR. WASHKOWITZ: Okay. So I'll turn it  
4 over to you, Jim, and then I'll review my notes while  
5 you're asking your questions.

6 MR. MYHRE: Yeah, I might need you to put  
7 up some of those exhibits, though, okay?

8 MR. WASHKOWITZ: Yep. You just let me  
9 know which ones.

10 CROSS-EXAMINATION

11 BY MR. MYHRE:

12 Q. Officer Fernandez, my name is Jim Myhre. I  
13 represent Raied Alfouadi. The defendant who is being  
14 sued by Mr. Washkowitz's client, Mr. Demarest. I do  
15 have a few followup questions for you concerning your  
16 investigation.

17 You had mentioned that you received a call on  
18 January 2, 2022, from your lieutenant and were  
19 dispatched down to Mala Wharf and you got there, I  
20 believe you said at 7:00 p.m. Is that correct?

21 A. 1900 hours, yes.

22 Q. So that would be 7:00 p.m., correct? 1800 is  
23 6:00 p.m. --

24 A. I'm just referencing my report, so I put 1900  
25 hours. So, yeah, that's 7:00 p.m.

1 Q. Okay. So this is January 2, 2022, so by the  
2 time you arrived it was already dark; is that correct?

3 A. Yes.

4 Q. Okay.

5 A. I believe so.

6 Q. And in anywhere in your report did you  
7 document on January 2, 2022, what the weather  
8 conditions were at that time?

9 MR. WASHKOWITZ: I'm gonna object to the  
10 form. The report speaks for itself.

11 BY MR. MYHRE:

12 Q. When I say at that time, when you arrived at  
13 the wharf.

14 MS. SWENSON: Officer, I can't tell if  
15 you're frozen or reading.

16 MR. WASHKOWITZ: Oh, I think we lost him.

17 MS. SWENSON: The record can reflect that  
18 Cory Fernandez's Zoom disappeared for a second and now  
19 it's back.

20 A. Sorry. Can you hear me?

21 MS. SWENSON: Yes.

22 A. Okay. Sorry. I got like a temperature alert  
23 so I had to wait for a little bit, yeah. Go ahead.

24 BY MR. MYHRE:

25 Q. Okay. That's quite all right. Those things

1 you arrived about 7:00 p.m., is it -- was it dark or  
2 was it not dark?

3 A. According to my photos it looks dark, but my  
4 memory -- I don't remember.

5 Q. Okay.

6 A. But I arrived at 7:25 or 7:25 p.m., I got the  
7 call at 7:00.

8 Q. Okay. So you arrived at 7:25, my apologies.  
9 So, on January 2, you arrived at 7:25 p.m., it's  
10 likely dark out at that time, correct?

11 A. Correct. According to my phone.

12 Q. And so you took photographs, these first four  
13 photographs indicate that the -- that it's dark out.  
14 You see the -- the sailboat there, and there appears  
15 to be some chains or some ropes or something coming  
16 from the boat onto the -- the rock jetty, correct?

17 A. Correct. I see it.

18 Q. Okay. And in looking at those photographs,  
19 does it appear that the mast of the sailboat is no  
20 longer there?

21 MS. SWENSON: Objection. Calls for  
22 speculation.

23 But answer if you can, Cory.

24 A. Okay. So your question was if the mast  
25 was -- the mast was no longer there?

1 BY MR. MYHRE:

2 Q. Correct.

3 MR. WASHKOWITZ: Join the objection.

4 A. Well, according to my photos, I don't see a  
5 mast.

6 BY MR. MYHRE:

7 Q. Okay. Fair enough, and it -- and there was  
8 some chains or some ropes up onto the rock jetty and  
9 it looks like the boat was secured in some fashion; is  
10 that correct?

11 A. Yes.

12 Q. Now, if you could, and I don't want to  
13 misstate a time, so when you went to the wharf the  
14 second day, on January 5, can you just confirm for me  
15 what time it was you arrived at the wharf on that  
16 date?

17 MS. SWENSON: Objection. Asked and  
18 answered.

19 MR. WASHKOWITZ: Objection. Asked and  
20 answered.

21 MR. MYHRE: Well, I never asked and  
22 answered the question. I just want to get  
23 confirmation of it.

24 MS. SWENSON: Well it counts regardless  
25 of which counsel asked, I believe.

1 MR. MYHRE: Well, I think you're wrong.

2 I can clarify to setup a question.

3 BY MR. MYHRE:

4 Q. So what time was it that you arrived there?

5 THE WITNESS: Danica, can I answer?

6 MS. SWENSON: Yeah, if you know.

7 A. Okay. According to my report at approximately  
8 0700 hours.

9 BY MR. MYHRE:

10 Q. Okay.

11 MR. MYHRE: And, Jared, if you could flip  
12 down to the next page.

13 BY MR. MYHRE:

14 Q. You see a series of photographs there, and  
15 with regard to Photograph 5, what were you trying to  
16 document with regard to Photograph 5?

17 A. I don't remember. Just debris from the  
18 vessel.

19 Q. In looking at Photograph 5 and comparing it to  
20 the photographs you took on the evening of  
21 January 2nd, it looks like sections of the vessel have  
22 been removed; is that correct?

23 A. It looks like it through the photos.

24 Q. And also in Photograph Number 8, that appears  
25 to be a photograph of a dumpster with debris in it?

1 A. Correct, that's what it looks like.

2 Q. And what was the purpose of taking that  
3 photograph? Was it just to document that the debris  
4 had been deposited into a dumpster?

5 A. I don't remember. Probably to some -- to that  
6 kind of effect possibly. I don't remember.

7 Q. Okay.

8 MR. MYHRE: And, Jared, if you can go  
9 back to the third page of the report. The third page,  
10 the third page.

11 MR. WASHKOWITZ: Oh, let me see. 1, 2...

12 BY MR. MYHRE:

13 Q. And if you look at the entry on the bottom of  
14 the third page, January 7, 2022, says approximately  
15 0830 hours, that's 8:30 a.m., correct?

16 A. Correct.

17 Q. You made a check at the vessel, correct?

18 A. Correct.

19 Q. And, at that point in time, Demarest told you  
20 that the majority of the vessel debris was out of the  
21 ocean and the only thing in the ocean was the keel and  
22 an outboard motor, correct?

23 A. Correct.

24 Q. And just so I understand what you're saying  
25 there, the entirety of the boat had been removed and



1 the only thing that was left was the keel and the  
2 outboard motor, correct?

3 A. Well, that's not what I'm saying. I mean,  
4 that's what Demarest told me.

5 Q. Okay. But that's what you documented  
6 Mr. Demarest saying?

7 A. Yes.

8 Q. Okay. Based upon your observations at the  
9 scene that day on January 7, 2022, do you have any  
10 information that you can recall that would indicate  
11 what Mr. Demarest told you on that occasion was not  
12 correct?

13 MR. WASHKOWITZ: Object to the form.

14 A. I don't remember.

15 MR. MYHRE: Now, Jared, go down to the  
16 third page of photographs.

17 BY MR. MYHRE:

18 Q. If you look at the third page of the  
19 photographs, you see photographs 9 and 10, correct?

20 A. Correct.

21 Q. Are you familiar with the place called Lahaina  
22 Welding?

23 A. Lahaina Welding?

24 Q. Yes. It's right behind the wharf?

25 A. I'm not familiar. I've heard about it but I'm

1 point it's calm, but I don't know if there's sets  
2 coming in, or if it's just a break in sets, so I -- I  
3 don't know.

4 BY MR. MYHRE:

5 Q. Okay. All right. On either of the three days  
6 that you went out to Mala Wharf, January 2nd,  
7 January 5th, or January 7th, did you ever document any  
8 damage to any reef, coral, due to the vessel?

9 MR. WASHKOWITZ: Object to the form.  
10 Lacks foundation.

11 You can answer.

12 THE WITNESS: I can answer? Okay.

13 A. According to my report, no.

14 BY MR. MYHRE:

15 Q. Okay. Did you ever document any damage caused  
16 by the vessel to Mala Wharf?

17 A. No.

18 Q. Okay.

19 A. In the report, no.

20 Q. All right. Those are all the questions that I  
21 have for you. Thank you.

22 MR. WASHKOWITZ: I don't have any further  
23 questions.

24 MS. SWENSON: I have a few clarifying  
25 questions I wanted to go through.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

DAVID DEMAREST and GREEN	)	CASE NO. 22-CV-00064-JAO-KJM
MOUNTAIN MYCOSYSTEMS	)	(In Admiralty)
LLC,	)	
	)	CERTIFICATE OF SERVICE
Plaintiffs,	)	
	)	
vs.	)	
	)	
RAIED J. ALFOUADI; DOE	)	
DEFENDANTS 1-20, DOE	)	
CORPORATIONS, 1-20, DOE	)	
GOVERNMENT AGENCIES 1-20,	)	
DOE PARTNERSHIPS 1-20,	)	
	)	
Defendants.	)	

---

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was  
duly served upon the following party via CM/ECF on September 12, 2025.

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